IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2353 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2354 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2355 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2356 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2357 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2358 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2359 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2360 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2361 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2362 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2363 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2364 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2365 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 2366 OF 2005

Mrs. Charu Bharat Kansara ...Applicant

Versus

Suresh C. Shah & Anr ...Respondents

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Mr. P.C. Kansara, Advocate for Applicant
Mr. D.P. Adsule, APP in Appln. Nos.2353 to 2357/05
Ms. S.V. Gajare, APP in Appln. Nos.2358 to 2362/05
Mr. M.S. Mhambray, APP in Appln No.2363 to 2366/05

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 22ND AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State. None appears for the respondent No.1 though served. Various

complaints have been filed by the respondent No.1 against the present applicant. All the said complaints are under Section 138 of Negotiable Instruments Act. The Applicant had preferred Criminal Application Nos.2178/05 and 2254 to 2263 of 2005 for quashing of the process issued in Criminal complaint Nos. 1250/S/2003, 1237/S/2003, 1238/S/2003, 1229/S/2003, 1240/S/2003, 1241/S/2003, 1243/S/2003, 1231/S/2003, 1239/S/2003, 1244/S/2003 and 1396/S/2003. In the said applications after hearing the learned advocate for the applicant and the learned advocate for the complainant this Court granted liberty to the applicant to prefer revision against the order of the Magistrate issuing process.

2. In these applications the applicant has prayed for quashing of complaint No.1245/S/2003, 1397/S/2003, 1248/S/2003, 2062/S/2001, 1495/S/2003, 1398/S/2003, 1508/S/2003, 1246/S/2003, 1247/S/2003, 1252/S/2003, 1251/S/2003, 1249/S/2003, 1253/S/2003, 1395/S/2003 which are pending in the Court of learned Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai. In the said case, process has been issued against the applicants under Section 138 of Negotiable Instruments Act. The learned advocate for the applicant submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process

issued against the applicant is set aside, the proceedings in respect of the applicant would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revisions would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revisions being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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